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COUNSEL FOR RESPONDENT

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

RONALD ALLEN SMITH,)
Petitioner,) Cause No. **CV 86-198-M-CCL**
v.)
MICHAEL MAHONEY, Warden,)
Montana State Prison,)
Respondents.)
)

The Attorney General of the State of Montana, on behalf of the Respondent, respectfully requests an extension of time until March 22, 2006, in which to prepare, serve and file its Reply to Petitioner's Brief in Response to Respondent's Motions to Dismiss and for Summary Judgment and Petitioner's Cross-Motion for Summary Judgment in the above-entitled matter. Respondent's Reply is currently due on or before February 20, 2006.

This motion is made due to the very heavy workload under which the attorney assigned to this case is presently working. Management of the undersigned's workload was exacerbated in the first months of 2006 by a series of illnesses in himself and his family. These illnesses subsumed the time the undersigned had set aside specifically to complete his briefing schedule in other cases and complete the Reply for final preparation for filing in the instant matter. Respondent contacted Smith's attorney, Mr. Don Vernay, who stated he had no objection to the Respondent's motion.

Respectfully submitted this 17th day of February 2006.

MIKE McGRATH
Montana Attorney General
215 North Sanders
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By: /s/ C. Mark Fowler
C. MARK FOWLER
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Extension of Time to be mailed to:

Mr. Gregory A. Jackson
Attorney at Law
320 Eleventh Avenue
Helena, MT 59601

Mr. Don Vernay
Attorney at Law
1604 Golf Course Road SE
Rio Rancho, NM 87124

DATED: February 17, 2006

/s/ C. Mark Fowler
C. MARK FOWLER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RONALD ALLEN SMITH,) Cause No. CV-86-198-M-CCL
)
Petitioner,)
v.)
)
MICHAEL MAHONEY, Warden, Montana State Prison,) ORDER
)
Respondents.)
)

Upon consideration of Respondent's Motion for Extension of Time, and good cause appearing therefore,

IT IS HEREBY ORDERED that Respondent is granted an extension of time to and including March 22, 2006, within which to prepare, serve, and file its reply.

DATED this _____ day of February, 2006.

CHARLES C. LOVELL
United States Magistrate Judge

ORDER